

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

IXIA MERCADO CONCEPCION

Debtor

NILSA LYON RIOS, LEON LYON, JR.

Plaintiffs

vs.

IXIA MERCADO CONCEPCION, et als.

Defendants

CASE NO. 13-09126-BKT

CHAPTER 7

Adversary No. 14-0002 (BKT)

MOTION REQUESTING ENTRY OF DEFAULT

TO THE HONORABLE COURT:

COME NOW, Plaintiffs Nilsa Lyons and Leon Lyons Jr., and through the undersigned attorneys, state, allege and pray as follows:

1. Rule 55 of the Federal Rules of Civil Procedure, applicable to this adversary proceeding through Rule 7055 of Bankruptcy Procedure, states:

“(a) Entry. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.”

2. The following defendants were served on June 4, 2014 with copy of the amended complaint and summons pursuant to Fed. R. Bankr. P. 7004(b)(1) (see

affidavit of service and summons returned executed at docket 39 and also attached to this motion):

- a. Marcel Blay-Mercado
- b. Bianca Blay-Mercado
- c. La Armeria Metropolitana, Inc.
- d. Blay-Mercado Siblings Trust

3. Fed. R. Bankr. P. 7012 establishes that the defendant shall serve an answer within 30 days after the issuance of the summons. In this case the summons were issued on June 4, 2014 and thus the time to answer the amended complaint expired on July 7, 2014.

4. The above named defendants have failed to plead or otherwise defend themselves.

WHEREFORE, it is respectfully requested from the Honorable Court that it issue an ORDER for ENTRY OF DEFAULT against defendants Marcel Blay-Mercado, Bianca Blay-Mercado, La Armeria Metropolitana, Inc., and Blay-Mercado Siblings Trust

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 28th day of July, 2014.

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all participants of record.

[SIGNATURE PAGE FOLLOWS]

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